

MONDAY, MAY 10, 1993

FORTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Brother Steve Blackman, Una Church of Christ, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Chiles; illness.

Representative Jackson; illness.

Representative R. Jones; out-of-town business.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

PRESENT IN CHAMBER

Representative(s) Kernell was/were recorded as being present in the Chamber.

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RECOGNITION

The Speaker recognized Mississippi State Representative Charlie Walker, President, Southern Legislative Conference.

MESSAGE FROM THE GOVERNOR

May 6, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 387, 406, 482, 488, 653, 659, 664, 677, 718, 795, 805, 831, 841, 918, 1118, 1218, 1224, 1255, 1261, 1363, 1410, 1429, 1456, 1498, 1520, 1542, 1547, 1619, 1631, 1635, 1636, 1637 and 1639; with his approval.

DAVID H. WELLES, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 7, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 208; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0208 -- Memorials, Retirement -- Joetta Payne. by *Cooper.

MESSAGE FROM THE SENATE

May 7, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1473 and 1616; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 1473 -- Handicapped Persons -- Requires photograph to be affixed to permanent and temporary handicapped parking placard. Amends TCA, Title 55, Ch. 21. by *Kyle.

*Senate Bill No. 1616 -- Election Laws -- Revises election notice requirements in Lakewood, upon two-thirds approval of county legislative body of Davidson County. Amends TCA, Title 2, Ch. 1. by *Haynes, *Harper, Henry, Rochelle.

MESSAGE FROM THE GOVERNOR

May 7, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 959; also, House Joint Resolution(s) No(s). 1, 81, 196, 197, 198, 199, 202, 203, 204, 207, 209, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230,

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231, 232, 233, 234, 235 and 238, with his approval.

DAVID H. WELLES, Counsel to the Governor.

REPORTS FROM STANDING COMMITTEES

The committees that met on Monday, May 10, 1993, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 490. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 159 and 760; also, House Bill(s) No(s). 1580 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the immediate consideration of House Resolution No. 53, held on the desk, which motion prevailed.

House Resolution No. 0053 -- Memorials, Recognition and Thanks -- Kappa League and sponsor, Kappa Alpha Psi Fraternity. by *Pruitt, Love.

On motion of Rep. Pruitt, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phetan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Watley, West,

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Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

*House Joint Resolution No. 0289 -- General Assembly, Directed Studies -- Directs department of environment and conservation to study feasibility and desirability of renaming Pickett State Park as Pickett Civilian Conservation Corps Memorial Park. by *Winningham.

Conservation and Environment Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, May 12, 1993:

House Resolution No. 0059 -- Memorials, Death -- Mabel Purnell. by *Jones, R., *Miller.

House Resolution No. 0060 -- Memorials, Public Service -- Hilda Mount. by *Cole Ronnie.

House Resolution No. 0061 -- Memorials, Interns -- Valerie Webb. by *Rhinehart, *Jackson, *Byrd.

House Resolution No. 0062 -- Memorials, Interns -- Lisa Anne Moore. by *Hassell, *Kent.

House Resolution No. 0063 -- Memorials, Interns -- Chris Baxter. by *Naifeh, *Ridgeway.

House Resolution No. 0064 -- Memorials, Interns -- Philip Jacobs. by *Naifeh, *Ridgeway.

House Resolution No. 0065 -- Memorials, Sports -- 1992-1993 Gleason High School girls' basketball team, TSSAA Class A runner-up. by *Herron.

House Resolution No. 0066 -- Memorials, Sports -- 1992-1993 Sharon Junior High School boys' basketball team. by *Herron.

House Resolution No. 0068 -- Memorials, Public Service -- Barbara and Bernard Bernstein, Brotherhood Sisterhood Award from National Conference of Christians and Jews. by *Peroulas Draper.

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House Joint Resolution No. 0294 -- Memorials, Sports -- Raleigh-Egypt boys' basketball team. by *Byrd.

House Joint Resolution No. 0295 -- Memorials, Death -- John Frank Dugger. by *Johnson.

House Joint Resolution No. 0296 -- Memorials, Interns -- Angela D. Callis, Intern for Governor's Office. by *Purcell.

House Joint Resolution No. 0297 -- Memorials, Interns -- J.A. Bucy, II, Intern, Governor's Office. by *Purcell.

House Joint Resolution No. 0298 -- Memorials, Personal Occasion -- Sadie Hayes, 100th birthday. by *West.

House Joint Resolution No. 0299 -- Memorials, Personal Achievement -- Mary Anne Thomas Long, 1993 Tennessee Mother of the Year. by *McKee.

House Joint Resolution No. 0300 -- Memorials, Interns -- Phillip Hayden. by *Stamps.

House Joint Resolution No. 0301 -- Memorials, Academic Achievement -- Steven Joshua Horne, 1993 Valedictorian, Mt. Juliet High School. by *Bell, *Mires.

House Joint Resolution No. 0302 -- Memorials, Public Service -- Juanita Crowe, National President of Ladies Auxiliary of VFW. by *Owenby, *Anderson.

House Joint Resolution No. 0303 -- Memorials, Academic Achievement -- Keith Dewayne Pulley, 1993 Valedictorian, Watertown High School. by *Bell.

House Joint Resolution No. 0304 -- Memorials, Professional Achievement -- Kay Senter, First Woman on Morristown City Council. by *Johnson.

House Joint Resolution No. 0305 -- Memorials, Recognition and Thanks -- Larry Jackson McCrary. by *Bell.

House Joint Resolution No. 0306 -- Memorials, Interns -- Stephanie Murphy. by *Dixon, *Pruitt, *Armstrong.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, May 12, 1993:

Senate Joint Resolution No. 0208 -- Memorials, Retirement -- Joetta Payne.

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INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1669 -- Cannon County -- Enacts "Cannon County Automobile Graveyard and Junkyard Control Act". by *Buck.

House Bill No. 1671 -- Humboldt -- Revises composition of board of mayor and aldermen. Amends Chapter 253, Private Acts of 1978, as amended. by *Phelan.

House Bill No. 1672 -- Tipton County -- Revises provisions relative to health trust fund. Amends Chapter 8, Private Acts of 1981, as amended. by *Naifeh.

House Bill No. 1673 -- Wilson County -- Establishes tax rate for the Tenth Special School District. Amends Chapter 330, Acts of 1901, as amended. by *Bell.

House Bill No. 1674 -- Ridgetop -- Expands municipal power; revises duties of board of mayor and aldermen; specifies which municipal functions require adoption of ordinances. Amends Chapter 176, Private Acts of 1935, as amended. by *Davidson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 1128 -- Boards and Commissions -- Prohibits member of commission from voting on matter if member has conflict of interest on matter before commission. (HB 0946).

*Senate Bill No. 1473 -- Handicapped Persons -- Requires photograph to be affixed to permanent and temporary handicapped parking placard. Amends TCA, Title 55, Ch. 21. (HB 1414).

*Senate Bill No. 1575 -- Pensions and Retirement Benefits -- Makes federal felony conviction disqualification for state pension benefits. Amends TCA, Title 8, Chs. 34--37. (HB 1593).

*Senate Bill No. 1616 -- Election Laws -- Revises election notice requirements in Lakewood, upon two-thirds approval of county legislative body of Davidson County. Amends TCA, Title 2, Ch. 1. (HB 1629).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

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House Bill No. 1665 -- Morristown -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1666 -- Tipton County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1667 -- Haywood County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1668 -- Putnam County -- Held on Clerk's desk pending approval by local delegation.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1521; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1521 -- Fiduciaries -- Clarifies that titles to real property will not be affected by the sale of such property by nonresidents acting under power of attorney. Amends TCA 35-50-107. by *Jordan.**

CONSENT CALENDAR

House Bill No. 1648 -- McNairy County -- Revises terms of office of members of board of education. Amends Chapter 293, Private Acts of 1992.

House Bill No. 1650 -- Shelbyville -- Authorizes judge of city court to impose monetary penalty not to exceed \$1,000 for violation of city ordinance. Amends Chapter 47, Private Acts of 1915, as amended.

House Bill No. 1654 -- Millington -- Revises jurisdiction of city judge. Chapter 238, Acts of 1903, as amended.

House Bill No. 1656 -- Fayetteville -- Revises provisions relative to offices of mayor, aldermen and city administrator. Amends Chapter 294, Acts of 1903, as amended.

On motion, House Bill No. 1656 was made to conform with Senate Bill No. 1644; the Senate Bill was substituted for the House Bill.

House Bill No. 1657 -- Monroe County -- Enacts wheel tax.

On motion, House Bill No. 1657 was made to conform with Senate Bill No. 1646; the Senate Bill was substituted for the House Bill.

House Bill No. 1659 -- Schoofs District, Special -- Authorizes Oneida Special School District to refinance bonded indebtedness.

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On motion, House Bill No. 1659 was made to conform with Senate Bill No. 1643; the Senate Bill was substituted for the House Bill.

House Bill No. 1446 -- Police -- Requires person examining law enforcement personnel records to provide ID and address and telephone number to officer examined. Amends TCA, Title 10, Ch. 7, Pt. 5.

*House Joint Resolution No. 0193 -- Highway Signs -- "T. B. Garth Highway," segment of S.R. 114 in Wayne County.

*House Joint Resolution No. 0127 -- Naming and Designating -- "Wyatt-Duke Armory," Brownsville.

*House Joint Resolution No. 0156 -- Highway Signs -- "Judge John B. Bond Bridge," Hatchie River, U.S. 70 West, Haywood County.

House Bill No. 1372 -- Fiduciaries -- Clarifies that titles to real property will not be affected by the sale of such property by nonresidents acting under power of attorney. Amends TCA 35-50-107.

On motion, House Bill No. 1372 was made to conform with Senate Bill No. 1521; the Senate Bill was substituted for the House Bill.

House Bill No. 0096 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for alumni of the University of Florida. Amends TCA, Title 55, Ch. 4.

On motion, House Bill No. 96 was made to conform with Senate Bill No. 143; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 0084 -- General Assembly, Studies -- Creates joint committee on court costs.

House Bill No. 0529 -- Public Records -- Provides that information obtained for unemployment claims available for public inspection if otherwise subject to open records law. Amends TCA 50-7-701.

House Bill No. 1513 -- Taxes, Real Property -- Revises property tax exemption for certain low income housing. Same as *SB 1559/HB 1519. Amends TCA 67-5-207.

On motion, House Bill No. 1513 was made to conform with Senate Bill No. 1560; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 0152 -- Naming and Designating -- Preston Ray Goodrum National Guard Armory.

Senate Joint Resolution No. 0158 -- Naming and Designating -- "Correctional Officers Week," May 2-8, 1993.

House Joint Resolution No. 0287 -- Memorials, Sports -- Greg Ryan and Brock Johnson, Greenback High School football team state record holders.

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House Joint Resolution No. 0288 -- Memorials, Retirement -- Katherine Henderson, teacher.

House Joint Resolution No. 0290 -- Memorials, Interns -- Osagyefo Uhuru Sekou.

House Joint Resolution No. 0291 -- Memorials, Academic Achievement -- Robert Stanton Amonette, Valedictorian.

House Joint Resolution No. 0292 -- Memorials, Academic Achievement -- Valerie Jean Fisher, 1993 Trousdale County High School Salutatorian.

House Joint Resolution No. 0293 -- Memorials, Academic Achievement -- Christopher Spence Oliver, Valedictorian.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Owenby, Ritchie, Williams (Williamson) -- 3.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1072 -- Education -- Requires agreements between school board and professional employees' organization to include procedures for final, binding dispute arbitration. Amends TCA 49-5-612.

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Further consideration of House Bill No. 1072, previously considered on May 3, 1993, at which time it was reset to the Calendar for May 10, 1993.

Rep. Davidson moved that House Bill No. 1072 be reset to the Calendar for February 2, 1994, which motion prevailed.

House Bill No. 0796 -- Election Laws -- Revises election law. Amends TCA, Title 2, 5-8-102, 49-2-504, 57-4-103.

Further consideration of House Bill No. 796, previously considered on May 3, 1993, at which time it was reset to the Calendar for May 10, 1993.

On motion, House Bill No. 796 was made to conform with Senate Bill No. 599; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 599 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Bragg, as follows:

Amendment No. 1

Amend Senate Bill No. 599 by adding the following language as a new subsection to the amendatory language of Section 3:

() The county election commissioners may not employ themselves or the spouse, parents, brothers, sisters, in-laws or children of any of them as registrar-at-large.

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2, seconded by Rep. Bragg, as follows:

Amendment No. 2

Amend Senate Bill No. 599 by adding the following language in Section 1 at the end of item (1):

After the effective date of this act, any registrar at large appointed for the first time to such position shall possess a high school education or GED. In evaluating a prospective appointee, the commission shall consider the knowledge and experience of such prospective appointee in the following areas: administrative, managerial, instructional, communication, budgetarial, purchasing, promotional, legal and general office skills and other related skills necessary to fulfill the statutory requirements of registrar at large.

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On motion, Amendment No. 2 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 3, seconded by Rep. Bragg, as follows:

Amendment No. 3

Amend Senate Bill No. 599 by deleting Section 19 in its entirety, and by renumbering subsequent sections accordingly.

On motion, Amendment No. 3 was adopted.

Rep. Callicott moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Stulce moved to adopt Amendment No. 5, seconded by Rep. Bragg, as follows:

Amendment No. 5

Amend Senate Bill No. 599 by deleting Sections 8, 9, and 10 of the printed bill and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 5 was adopted.

Rep. Liles moved to adopt Amendment No. 6, seconded by Rep. Bragg, as follows:

Amendment No. 6

Amend Senate Bill No. 599 by deleting in the amendatory language of item (1) of Section 1 the language "register at large" and by substituting instead the language "register at large, who shall be a resident of the county which such register serves,".

On motion, Amendment No. 6 was adopted.

Rep. U. Jones moved to adopt Amendment No. 7, seconded by Rep. Bragg, as follows:

Amendment No. 7

Amend Senate Bill No. 599 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 825,000 nor more than 830,000 according to the 1990 federal census or any subsequent federal census.

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On motion, Amendment No. 7 was adopted.

Rep. Bragg moved that Senate Bill No. 599, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Robinson -- 1.

Representatives present and not voting were: Brooks, Joyce, Thompson -- 3.

A motion to reconsider was tabled.

House Bill No. 0726 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1993.

Further consideration of House Bill No. 726, previously considered on May 3, 1993, at which time it was reset to the Calendar for May 10, 1993.

Rep. Kernell moved that House Bill No. 726 be reset to the first available space to the last Calendar of 1993, which motion prevailed.

House Bill No. 0835 -- DUI/DWI Offenses -- Establishes DUI per se offense. Amends TCA, Title 55, Ch. 10.

Rep. Herron moved that House Bill No. 835 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, as amended, as follows:

Amendment No. 1

House Bill No. 835 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

(a)(1) A person age eighteen (18) or over but under age twenty-one (21) may not drive or be in physical control of an automobile or other motor driven vehicle while:

(A) The alcohol concentration in the person's blood is more than two hundredths of one percent (0.02%); or

(B) Under the influence of alcohol; or

(C) Under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system; or

(D) Under the combined influence of alcohol and any other drug set out in subsection (a)(1)(C) to a degree which makes the person's driving ability impaired.

(2) For purposes of this section, "drug producing stimulating effects on the central nervous system" shall have the same meaning and include the same items set out in Tennessee Code Annotated, Section 55-10-401(b).

(b) The fact that any person or persons who drive while under the influence of narcotic drugs, or shall drive while under the influence of barbitol drugs, is or has been entitled to use such drugs under the laws of this state, shall not constitute a defense to the violation of this section.

(c) This section establishes the offense of driving while impaired for any person age eighteen (18) or over but under age twenty-one (21). The offense of driving while impaired is a lesser included offense of driving while intoxicated.

(d) The offense of driving while impaired for a person age eighteen (18) or over but under age twenty-one (21) is a Class A misdemeanor punishable only by the fines and the driver license suspension durations authorized in Section 55-10-403 for driving while intoxicated violations, and by public service

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work in the discretion of the court.

SECTION 2. Tennessee Code Annotated, Section 55-10-701(b), is amended by adding the following new subdivision:

() A court may not withdraw an order involving a violation of Tennessee Code Annotated, Title 55, Chapter 10, Part 4, concerning the operation of a motor vehicle while intoxicated or impaired.

SECTION 3. This act shall take effect on July 1, 1993, the public welfare requiring it.

Rep. Haley moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved to adopt Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 835 by deleting from Section 1 the language "eighteen (18)" wherever it may appear and by substituting instead the language "sixteen (16)".

AND FURTHER AMEND by deleting subsection (d) from Section 1 and by substituting instead the following:

(d)(1) The offense of driving while impaired for a person age eighteen (18) or over but under age twenty-one (21) is a Class A misdemeanor punishable only the driver license suspension durations and by the fines for driving while intoxicated violations authorized by Section 55-10-403. As additional punishment, the court may impose public service work.

(2) The delinquent act of driving while impaired for a person age sixteen (16) or over but under the age of eighteen (18) is punishable only by license suspension durations authorized by Title 55, Chapter 10, Part 7, and the fines authorized by Section 55-10-403. As additional punishment, the court may impose public service work.

AND FURTHER AMEND by adding at the end of Section 1 the following new subsection:

(e) A person age sixteen (16) or over but under the age of eighteen (18) who commits the offense of driving while impaired commits a delinquent act.

On motion, Amendment No. 2 was adopted.

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Rep. Williams (Shelby) moved to adopt Amendment No. 3, seconded by Rep. Herron, as follows:

Amendment No. 3

Amend House Bill No. 835 by deleting in the amendatory language of subsection (d)(1) of Section 1 the language "only the driver license suspension" and by substituting the language "only by driver license suspension".

On motion, Amendment No. 3 was adopted.

Rep. Liles moved the previous question, which motion prevailed by the following vote:

Ayes.	69
Noes.	20
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Byrd, Chumney, Clark, Coffey, Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Ferguson, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Hillis, Huskey, Johnson, Joyce, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 69.

Representatives voting no were: Buck, Callicott, Cole (Carter), Duer, Fisher, Hargrove, Haun, Head, Herron, Kent, Kisber, Knight, Miller, Odom, Purcell, Severance, Shirley, Turner (Hamilton), Williams (Shelby), Wood -- 20.

Representatives present and not voting were: Kernell -- 1.

House Bill No. 835, as amended, passed third and final consideration by the following vote:

Ayes.	90
Noes.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance,

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Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Head, Turner (Shelby), Wix -- 3.

A motion to reconsider was tabled.

House Bill No. 0589 -- Corporations -- Clarifies that actions under TCA 68-211-104 are unlawful. Amends TCA, Title 68, Ch. 211.

Rep. Kent moved that House Bill No. 589 be reset to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 1103 -- Workers' Compensation -- Requires commissioner of commerce and insurance to implement an equitable apportionment among insurers of certain applicants for workers' compensation insurance; requires insurers to participate in plan. Amends TCA 56-5-314.

On motion, House Bill No. 1103 was made to conform with Senate Bill No. 929; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 929 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Wood moved that Senate Bill No. 929 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callcott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

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A motion to reconsider was tabled.

*House Bill No. 0107 -- Licenses -- Directs and establishes new guidelines in the process, disclosure, and regulation of licenses and other information within county clerk's office. Amends TCA 8-6-109; Title 8, Ch. 16, 36-3-18; Title 57, Ch. 5, Pt. 1; Title 68, Ch. 3, Pt. 2.

On motion, House Bill No. 107 was made to conform with Senate Bill No. 180; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 180 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 180 by deleting the language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 18-6-109, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) The records described in subsection (a)(2) are public records.

SECTION 2. Tennessee Code Annotated, Section 36-3-104(b), is amended by adding "as to the three (3) day waiting period" after "provisions of subdivision (a)(2)" in such subsection.

SECTION 3. Tennessee Code Annotated, Section 8-16-101, is amended by adding the following immediately after the first sentence:

Notwithstanding the provisions of Section 8-18-101, United States citizenship is not a requirement for a person to hold the office of notary public.

SECTION 4. Tennessee Code Annotated, Section 8-16-206(c), is amended by adding the following:

This subsection shall apply to any seal obtained for either a notary public or a notary public at large.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Senate Bill No. 180, as amended, passed third and final consideration by the following vote:

Ayes	89
Noes	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Boyer, Haley, Shirley, Venable, Westmoreland -- 5.

A motion to reconsider was tabled.

House Bill No. 1552 -- Municipal Government -- Places certain requirements on municipal funds, budgets and expenditures and investments. Amends TCA, Title 6, Ch. 56, Pt. 1, 6-56-106, 6-56-202.

On motion, House Bill No. 1552 was made to conform with Senate Bill No. 737; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 737 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that Senate Bill No. 737 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight,

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Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0780 -- Budget Procedures -- Enacts "Local Option Budgeting Law of 1993". Amends TCA 49-2-101.

On motion, House Bill No. 780 was made to conform with Senate Bill No. 702; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 702 be passed on third and final consideration.

Rep. Rhinehart moved to adopt Amendment No. 1, seconded by Rep. Bragg, as follows:

Amendment No. 1

AMEND Senate Bill No. 702 by deleting the first four (4) sentences of Section 11 and by substituting instead the following:

The budget shall have attached to it any court order or letter of agreement setting forth the number of authorized deputies and assistants pursuant to Title 8, Chapter 20, Tennessee Code Annotated, for the trustee, clerks of courts, register of deeds, county clerk and sheriff.

AND FURTHER AMEND by adding the following to Section 13 as a new subsection:

(c) Provided, however, amendments shall be made to comply with any court order entered pursuant to Title 8, Chapter 20, Tennessee Code Annotated.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that Senate Bill No. 702, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1276 -- Public Records -- Makes birth and death certificates, divorce and annulment decrees, marriage licenses and marriage license applications public records. Amends TCA 68-3-205.

On motion, House Bill No. 1276 was made to conform with Senate Bill No. 722; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 722 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

Amendment No. 2

Amend Senate Bill No. 722 by adding the following new section before the effective date section:

Section ____ Tennessee Code Annotated, Section 68-3-205 is amended by adding the following appropriately lettered subsection:

() Any microfilm copy of a vital record in the possession of the State Library & Archives, or a local library, shall be available for public inspection.

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that Senate Bill No. 722, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. 95
Noes. 1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Boyer -- 1.

A motion to reconsider was tabled.

House Bill No. 0370 -- Criminal Offenses -- Revises computer offenses. Amends TCA, Title 39, Ch. 14, Pt. 6.

On motion, House Bill No. 370 was made to conform with Senate Bill No. 13; the Senate Bill was substituted for the House Bill.

Rep. Halteman Harwell moved that Senate Bill No. 13 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Halteman Harwell moved that Senate Bill No. 13 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 92
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland,

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Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 0279 -- Custody and Support -- Extends same visitation rights to great-grandparents as grandparents. Amends TCA, Title 36, Ch. 6, Pt. 3.

On motion, House Bill No. 279 was made to conform with Senate Bill No. 128; the Senate Bill was substituted for the House Bill.

Rep. Kent moved the previous question, which motion prevailed.

Senate Bill No. 128 failed to pass third and final consideration by the following vote:

Ayes.	48
Noes.	38
Present and not voting.	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Buck, Byrd, Callicott, Cole (Carter), Cole (Dyer), Cross, Davis, Ferguson, Fisher, Fowlkes, Garrett, Haley, Halteman, Harwell, Haun, Huskey, Kent, Kisber, Liles, Love, McDaniel, McKee, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Ritchie, Stulce, Thompson, Tindell, Turner (Hamilton), Walley, West, Williams (Williamson), Windle, Wix, Mr. Speaker Naifeh -- 48.

Representatives voting no were: Bell, Boyer, Bragg, Brooks, Brown, Coffey, Collier, Crain, Davidson, Duer, Givens, Gunnels, Hassell, Head, Herron, Hillis, Johnson, Joyce, Kernell, Knight, Lewis, McAfee, Peroulas, Draper, Ramsey, Rhinehart, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Turner (Shelby), Westmoreland, Whitson, Williams (Shelby), Williams (Union), Winningham, Wood -- 38.

Representatives present and not voting were: Chumney, DeBerry, Dixon, Hargrove, Jones U (Shelby), Meyer, Miller, Pruitt, Venable -- 9.

Pursuant to Rule No. 39, Senate Bill No. 128, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

***House Bill No. 1445 -- Municipal Government --** Authorizes municipally owned electric systems to borrow money from federal REA to reloan funds to promote rural economic development. Amends TCA, Title 7, Chs. 34, 52.

On motion, House Bill No. 1445 was made to conform with Senate Bill No. 1562; the Senate Bill was substituted for the House Bill.

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Rep. Fowlkes moved that Senate Bill No. 1562 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Fowlkes moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 1562 by adding in Section 1 after the numerals "(28,400)" the following language:

or in a county having a population of not less than thirty five thousand fifty (35,050) nor more than thirty five thousand two hundred (35,200) or not less than twenty-three thousand three hundred (23,300) nor more than twenty-three thousand four hundred (23,400).

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved that Senate Bill No. 1562, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	2
Present and not voting	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Brooks, Brown -- 2.

Representatives present and not voting were: Lewis, Ramsey, Ritchie -- 3.

A motion to reconsider was tabled.

*House Bill No. 0070 -- Motor Vehicles, Titling and Registration -- Permits owners of motor vehicles to purchase decal bearing the

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name of certain municipalities in lieu of name of county of residence for display on license plate. Amends TCA, Title 55.

On motion, House Bill No. 70 was made to conform with Senate Bill No. 771; the Senate Bill was substituted for the House Bill.

Rep. Pinion moved that Senate Bill No. 771 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Pinion moved that Senate Bill No. 771 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 1045 -- Regional Authorities -- Establishes an authority to plan, develop, finance, manage, and operate Olympic event on Ocoee River. Amends TCA, Titles 4, 64.

Rep. Fisher moved that House Bill No. 1045 be reset to the Calendar for Wednesday, May 12, 1993, which motion prevailed.

House Bill No. 0891 -- Campaigns -- Restricts time of campaign fundraising by state constitutional officers. Amends TCA, Title 8, Chs. 3--5.

Rep. Ritchie moved that House Bill No. 891 be passed on third and final consideration.

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Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Ritchie, as follows:

Amendment No. 1

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The registry of election finance may impose a civil penalty for a violation of this act in the same manner as a class two (2) offense under the provisions of Tennessee Code Annotated, Section 2-10-114 is imposed. A violation of this act is punishable by a maximum penalty of not more than ten thousand dollars (\$10,000) or fifteen percent (15%) of a campaign contribution solicited or accepted in violation of the act, if fifteen percent (15%) of such amount is greater than ten thousand dollars (\$10,000).

On motion, Amendment No. 1 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2, seconded by Rep. Ritchie as follows:

Amendment No. 2

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____.

(a) Any person who elects the secretary of state, the comptroller of the treasury, and the state treasurer and any person who is a candidate for an office which elects such officials, either directly, through a campaign committee or other means, may not solicit or accept a campaign contribution or a promise or pledge to make a contribution from January 1 of each year until the earlier of:

(1) June 1 of that year; or

(2) the day immediately after the conclusion of the regular annual session of the general assembly.

(b)

(1) If a person raises funds during such period as a candidate for any office other than as a candidate for the legislature; and

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(2) If such person becomes a candidate for the legislature for the next election following the period in which such funds were raised;

Then such person shall be prohibited from transferring these funds to the person's campaign fund for the legislature or in any way using these funds for such campaign.

(c) This prohibition does not apply during an extraordinary session called after the sine die adjournment of the general assembly.

On motion, Amendment No. 2 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 5, seconded by Rep. Ritchie, as follows:

Amendment No. 3

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____.

(a) Any person holding office or seeking election by the people to the office in the executive department of the state pursuant to Article III of the Constitution of the state of Tennessee may not solicit or accept a campaign contribution or a promise or pledge to make a contribution from January 1 of each year until the earlier of:

(1) June 1 of that year; or

(2) the day immediately after the conclusion of the regular annual session of the general assembly.

(b).

(1) If a person raises funds during such period as a candidate for any office other than as a candidate for such office in the executive department; and

(2) If such person becomes a candidate for such office for the next election following the period in which such funds were raised;

Then such person shall be prohibited from transferring these funds to the person's campaign fund for such office or in any way using these funds for such campaign.

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(c) This prohibition does not apply during an extraordinary session called after the sine die adjournment of the general assembly.

On motion, Amendment No. 3 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 6, seconded by Rep. Ritchie, as follows:

Amendment No. 4

Amend House Bill No. 891 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes.	67
Noes.	27

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Buck, Byrd, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Head, Hillis, Huskey, Johnson, Joyce, Kent, Kisber, Lewis, Liles, Love, McKee, Meyer, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Union), Windle, Winningham, Wood -- 67.

Representatives voting no were: Bittle, Brooks, Brown, Callicott, Chumney, DeBerry, Dixon, Fisher, Fowkes, Hargrove, Hassell, Haun, Herron, Jones U (Shelby), Kernell, Knight, McAfee, McDaniel, Miller, Owenby, Thompson, Turner (Shelby), Venable, Westmoreland, Williams (Shelby), Williams (Williamson), Wix -- 27.

Rep. Ritchie moved that House Bill No. 891, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	85
Noes.	8
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Huskey, Johnson, Joyce, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Cole (Carter), Dixon, Jones U (Shelby), Kent, Kernell, McAfee, Miller, Turner (Shelby) -- 8.

Representatives present and not voting were: Fisher, Fowlkes -- 2.

A motion to reconsider was tabled.

House Bill No. 0558 -- ~~Banks and Financial Institutions~~ -- Revises capital structure requirements; authorizes commissioner to determine on case by case basis adequate capital structure within certain guidelines, paid in surplus and other criteria. Amends TCA, Title 45, Ch. 2, Pt. 2.

On motion, House Bill No. 558 was made to conform with Senate Bill No. 509; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 509 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Commerce Committee Amendment No. 1.

Rep. Rinks moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Phelan moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Rinks moved that Senate Bill No. 509 be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Rinks moved that Senate Bill No. 509 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	83
Noes.	7
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisher, Knight, Liles, Love, McAfee, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Armstrong, Buck, Cross, Haun, Lewis, McDaniel, Ridgeway -- 7.

Representatives present and not voting were: Brooks, Byrd, Rigsby, West -- 4.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGES

*Senate Joint Resolution No. 0017 -- General Assembly, Studies -- Creates commission to study adoption laws.

CONFERENCE COMMITTEE APPOINTED ON SENATE JOINT RESOLUTION NO. 17

Pursuant to Rule No. 73, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Joint Resolution No. 17, which motion prevailed.

The Speaker appointed Representatives Purcell, Phillips and Williams (Shelby) as the House members of the Conference Committee on Senate Joint Resolution No. 17.

*Senate Bill No. 0121 -- Sunset Laws -- Department of finance and administration, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

Rep. Kernell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 to Senate Bill No. 121, which motion prevailed.

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***Senate Bill No. 0175 -- Sentencing -- Prohibits parole eligibility review board from reviewing sentence of habitual offender whose triggering offense was violent. Amends TCA, Title 40, Ch. 35, Pt. 6.**

Rep. Herron requested that 175 be moved to the heel of the Message Calendar.

House Bill No. 0680 -- Crime, Victims of -- Revises Criminal Injuries Compensation Act of 1976. Amends TCA 9-8-307; Title 29, Ch. 13. Repeals TCA 9-8-308.

Rep. Purcell moved that House Bill No. 680 be reset to the Message Calendar for Wednesday, May 12, 1993, which motion prevailed.

House Bill No. 0869 -- Traffic Safety -- Requires horse drawn vehicles used on highways to be equipped with strobe light on top. Amends TCA, Title 55, Ch. 9, Pt. 4.

Rep. Moore moved that House Bill No. 869 be reset to the Message Calendar for Wednesday, May 12, 1993, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0872 -- Human Services, Dept. of -- Authorizes Tennessee Task Force Against Domestic Violence to nominate candidates for Advisory Committee on Family Violence Shelters and Child Abuse Prevention Services; prohibits employee or board member of agency receiving state funding to serve on advisory committee. Amends TCA 71-6-203.

Senate Amendment No. 1

Amend House Bill No. 872 by changing the semicolon to a period after the words "successive terms" in the second sentence of the amendatory language of Section 1 and by deleting the remainder of the second sentence after that semicolon.

Rep. Moore moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 872, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson,

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Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0920 -- Alcoholic Beverages -- Authorizes manufacturers to obtain a retail license to regulate the distribution of products containing alcohol by manufacturers. Amends TCA 57-3-204.

Senate Amendment No. 5

AMEND House Bill No. 920 by deleting from Section 1(g)(1) the language "or its affiliate".

AND FURTHER AMEND by deleting from Section 1(g)(2) the language "or affiliate".

AND FURTHER AMEND by deleting from Section 1(g)(5) the language "or an affiliate of a manufacturer".

AND FURTHER AMEND by deleting from Section 1(h) the language "or its affiliate".

AND FURTHER AMEND by deleting from Section 2, as amended, the language "or affiliate of a manufacturer".

Rep. Rigsby moved that the House concur in Senate Amendment(s) No(s). 5 to House Bill No. 920, which motion prevailed by the following vote:

Ayes.	74
Noes.	17
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones U (Shelby), Kent, Kernell, Knight, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle,

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Winningham, Wix, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Boyer, Byrd, Haley, Herron, Joyce, Kisber, Lewis, McAfee, Owenby, Phillips, Ramsey, Stamps, Stockburger, Walley, West, Williams (Union), Wood -- 17.

Representatives present and not voting were: Cross, Ritchie -- 2.

A motion to reconsider was tabled.

House Bill No. 1013 -- County Officers -- Establishes qualifications for sheriffs. Amends TCA 8-8-102, 8-18-101.

Further consideration of House Bill No. 1013, previously considered on May 6, 1993, at which time a motion was made to concur in Senate Amendment No. 1 to House Bill No. 1013 and the bill was reset to the Message Calendar for May 10, 1993.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1013, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

A motion to reconsider was tabled.

House Bill No. 1014 -- Law Enforcement -- Revises training standards for sheriffs; establishes criteria for sheriffs to receive police pay supplement. Amends TCA, Title 38, Ch. 8.

Senate Amendment No. 1

Amend House Bill No. 1014 by deleting from Section 4(f)2(E) the language,

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"provided, however, if such conviction occurred twenty (20) years or more prior to the election the provisions of this subdivision shall not apply;"

and further amend by deleting from Section 4(f)(2)(F) the language,

"provided, however, if such discharge other than an honorable discharge occurred twenty (20) years or more prior to the election the provisions of this subdivision shall not apply;"

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1014, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Ferguson, Windle -- 2.

A motion to reconsider was tabled.

*House Bill No. 1148 -- Mental illness -- Adds local hospital administrators as persons with whom sheriffs may consult in creating alternative policy for transportation of mentally ill persons. Amends TCA 33-6-103.

Senate Amendment No. 5

AMEND House Bill No. 1148 by inserting the following language between the third and fourth sentences of the second amendatory paragraph of Section 2, as amended by House Health & Human Resources Committee Amendment No. 1:

The plan shall include a primary transportation agent and a secondary transportation agent which will transport persons

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if the primary transportation agent is unavailable.

AND FURTHER AMEND by deleting the ninth sentence of the second amendatory paragraph of Section 2, as amended by House Health & Human Resources Committee Amendment No. 1, and by substituting instead the following language:

If the parties in a county or area are unable to reach agreement on a transportation agent, then the county executive shall designate a transportation agent as the primary transportation agent and designate a transportation agent as the secondary transportation agent to transport persons if the primary transportation agent is unavailable, utilizing available local government resources.

Senate Amendment No. 6

Amend House Bill No. 1148 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population in excess of two hundred and eighty thousand (280,000) according to the 1990 federal census or any subsequent federal census.

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 5 and 6 to **House Bill No. 1148**, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1163 -- Health -- Requires parents or legal guardians to ensure that their children receive recommended

childhood immunizations, but shall not be criminally prosecuted nor civilly liable for failure to comply.

Senate Amendment No. 1

Amend House Bill No. 1163 by adding the following language at the end of Section 1:

In the absence of an epidemic or immediate threat, thereof, this section shall not apply to any child whose parent or guardian shall file with proper authorities a signed, written statement that such immunization and other preventative measures conflict with the religious tenets and practices of the parent or guardian affirmed under penalties of perjury.

Rep. McDaniel moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1163, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunriels, Haley, Maltman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGES

*Senate Bill No. 0175 -- Sentencing -- Prohibits parole eligibility review board from reviewing sentence of habitual offender whose triggering offense was violent. Amends TCA, Title 40, Ch. 35, Pt. 6.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 175**

Pursuant to Rule No. 73, Representative Herron moved that the Speaker appoint a Committee of the House to meet with a like

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Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 175, which motion prevailed.

The Speaker appointed Representatives Hargrove, Walley and Herron as the House members of the Conference Committee on Senate Bill No. 175.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 192 and 209; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0192 -- Highway Signs -- "Henry Harding 'H.H.' Potter Memorial Bridge, Clear Fork River on S.R. 52. by *O'Brien.

Senate Joint Resolution No. 0209 -- Memorials, Professional Achievement -- Bill "Rocky" Rawlins, Associated Press correspondent. by *Henry, *Hamilton.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 155.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Rochelle, McNally and Wallace to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 155.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 616.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Harper, McNally and Crutchfield to confer with a like

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Committee from the House to resolve the differences of the two bodies on Senate Bill No. 616.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 601.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2 and 3.

The Speaker appointed a Conference Committee composed of Senators Womack, Springer and Leatherwood to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 601.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill No. 1004.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 486; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 974; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1556; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 722; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1583; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

BILLS WITHDRAWN

On motion of Rep. Ritchie, House Bill No. 1260 was recalled from the State and Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1677, which motion prevailed.

House Bill No. 1677 -- Jackson -- Revises and consolidates charter. Amends Chapter 407, Acts of 1909, as amended. by *Kisber, *McDaniel.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1677, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1678, which motion prevailed.

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House Bill No. 1678 -- Smithville -- Authorizes election of city judge for eight year term. Amends Chapter 486, Private Acts of 1941, as amended. by *Buck.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1678, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1680, which motion prevailed.

House Bill No. 1680 -- Murfreesboro -- Revises provisions relative to city council districts, elections, resolutions, ordinances, city officials, assessment of taxes and creation of disciplinary review board. Amends Chapter 429, Private Acts of 1931, as amended. by *Bragg, *Liles, *Mires.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1680, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the introduction of House Bill No. 1675, which motion prevailed.

House Bill No. 1675 -- Clarksville -- Removes three month residency requirement to vote in municipal election. Amends Chapter 252, Private Acts of 1929, as amended. by *Knight, *Head.

Rep. Purcell moved that the rules be suspended for the passage on first consideration of House Bill No. 1675, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 192 could be heard by the Transportation Committee on Tuesday, May 11, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 167 could be heard by the Transportation Committee on Tuesday, May 11, 1993, which motion prevailed.

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RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for purpose of introducing House Joint Resolution No. 307, out of order, which motion prevailed.

*House Joint Resolution No. 0307 -- Memorials, Government Officials -- Directs THEC to design, develop and implement program to identify African American students. by *Love.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 307 could be heard by the Government Operations Committee on Tuesday, May 11, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Resolution No. 67, out of order, which motion prevailed.

*House Resolution No. 0067 -- Memorials, Congress -- Urges president and congress to examine and consider repeal of federal tax laws, policies and programs that encourage U.S. industries to close domestic operations and relocate to foreign countries. by *Rinks, *Collier, *Head, *Knight, *Purcell.

Rep. Purcell moved that House Resolution No. 67 be referred to the Finance, Ways and Means Committee, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Resolution No. 67 could be heard by the Finance, Ways and Means Committee on Tuesday, May 11, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 67 could be heard by the Finance, Ways and Means Committee on Tuesday, May 11, 1993, which motion prevailed.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction,

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House Bill(s) No(s). 1681, was/were referred to the Delayed Bills Committee.

House Bill No. 1681 -- Taxes, Severance -- Removes exemption of Rutherford County from provisions relative to severance tax on sand, gravel, sandstone, chert and limestone. Amends TCA, Title 67, Ch. 7, Pt. 2. by *Bragg, *Liles, *Mires.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1681 could be heard by the Delayed Bills Committee at the call of the Chair, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 289 could be heard by the Conservation and Environment Committee on Wednesday, May 12, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 209, which motion prevailed.

Senate Joint Resolution No. 0209 -- Memorials, Professional Achievement -- Bill "Rocky" Rawlins, Associated Press correspondent.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, as suspended, Senate Bill(s) No(s). 155, 601 and 616; also, House Bill(s) No(s). 486, 722, 974, 1004, 1556 and 1583 were placed on the Message Calendar for Wednesday, May 12, 1993.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add

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their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 279: Rep(s). Fisher as prime sponsor(s).

House Bill No. 796: Rep(s). Love as prime sponsor(s).

House Bill No. 803: Rep(s). Purcell as the FIRST prime sponsor(s).

House Bill No. 804: Rep(s). Kisber as prime sponsor(s).

House Bill No. 835: Rep(s). Bittle, Cross, Knight, McDaniel, Pinion, Ridgeway, Ritchie, Walley, Whitson and Williams (Union) as prime sponsor(s).

House Bill No. 891: Rep(s). Armstrong, Bittle, Boyer, Brown, McDaniel, Ramsey, Ridgeway, Severance, Stockburger and Williams (Union) as prime sponsor(s).

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill No. 1373.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then ~~repassed~~ the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 119; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 748, 1318, 1419 and 1423; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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ENGROSSED BILLS

May 10, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 529, 1446, 1648, 1650 and 1654; also, House Joint Resolution(s) No(s). 84, 127, 152, 156, 193, 287, 288, 290, 291, 292 and 293.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 10, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 835.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 10, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 891.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 287, 288, 290, 291, 292 and 293; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 10, 84, 124, 267, 303, 377, 392, 438, 491, 638, 743, 775, 832, 1059, 1064, 1183 and 1447; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 143, 188, 189, 191, 193, 196, 197, 199,

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200, 202, 203, 204, 205, 206 and 207; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 162, 403, 415, 531, 581, 622, 656, 660, 756, 773, 820, 821, 978, 1012, 1102, 1195, 1213, 1226, 1534, 1642, 1649, 1652 and 1653; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 142, 241, 242, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285 and 286; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1102 and 1357; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1102 -- AIDS --** Makes it a criminal offense to knowingly transmit HIV. Amends TCA, Title 39, Ch. 13, Pt. 1. by *Crowe.

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506. by *Greer, *Wallace.

MESSAGE FROM THE SENATE

May 10, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 210, 211, 212, 214, 215 and 216; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MONDAY, MAY 10, 1993 -- FORTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 0210 -- Memorials, Public Service --
Dr. Edward R. Atkinson, Montgomery County Citizen of Year. by *Rice.

Senate Joint Resolution No. 0211 -- Memorials, Academic Achievement --
Christin Ford, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 0212 -- Memorials, Academic Achievement --
Jennifer Hale, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 0214 -- Memorials, Death --
Claude K. Robertson. by *Atchley, *Gilbert, *McNally, *Greer, *O'Brien.

Senate Joint Resolution No. 0215 -- Memorials, Interns --
Eric Stanton. by *Crowe.

Senate Joint Resolution No. 0216 -- Memorials, Public Service --
Sue Boyd Cain, Executive Director, Tennessee Sentencing Commission.
by *Haynes, *Albright, *Atchley, *Burks, *Cohen, *Cooper, *Crowe,
*Crutchfield, *Davis, *Elsea, *Ford, *Gilbert, *Greer, *Hamilton,
*Harper, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood,
*McKnight, *McNally, *O'Brien, *Patten, *Person, *Rice, *Springer,
*Wallace, *Womack, *Wright, *Wilder.

CONSENT CALENDAR
May 10, 1993

The following local bills have been placed on the Consent Calendar for Wednesday, May 12, 1993: House Bill(s) No(s). 1646, 1661, 1665, 1666, 1667 and 1668.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cottler, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams

MONDAY, MAY 10, 1993 -- FORTY-FOURTH LEGISLATIVE DAY

(Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh --
94.

On motion of Rep. Purcell, the House recessed until 10:00 a.m.,
Wednesday, May 12, 1993.